

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA, )  
 )  
 v. ) Criminal No. 03-10367-MEL  
 )  
 JAMES T. RICHARDS, )

**GOVERNMENT'S MOTION FOR THE COMMITMENT  
OF THE DEFENDANT FOR FURTHER  
PSYCHIATRIC OR PSYCHOLOGICAL EXAMINATION**

The United States of America, through its undersigned counsel, hereby moves pursuant to 18 U.S.C. §§ 4241 and 4247 for an order committing the defendant to the custody of the Attorney General for placement in a suitable facility for a psychiatric or psychological examination.

As grounds therefore the Government states that:

1. The defendant has already been ordered to be detained pending trial in this matter (Docket Entry No. 8), so the requested commitment would merely require his transfer to an appropriate facility.

2. Based upon reasonable cause to believe that the defendant was then suffering from a mental disease or defect rendering him mentally incompetent within the meaning of 18 U.S.C. §4241(a), the defendant was ordered to undergo two separate psychiatric examinations by two different local doctors. (See Docket Entry Nos. 29, 94, and 102).<sup>1</sup>

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<sup>1</sup> The United States had requested that a full competency examination and evaluation be performed at an appropriate Bureau of Prisons facility; however, on both occasions, the defendant was examined by local doctors who visited the defendant in the local jail where he is being detained pending trial.

3. Based upon the reports of evaluation submitted by the two doctors after their examinations of the defendant, the parties waived further hearing on the issue and the Court held that the defendant was not then suffering from a mental disease or defect rendering him mentally incompetent within the meaning of 18 U.S.C. § 4241(a).

4. In the time since the last competency evaluation was completed (April 22, 2005) and the Court orally ruled on the issue (May 25, 2005), the defendant has continued to write and file documents which raise questions about his present mental condition and competence.<sup>2</sup>

5. In addition, the defendant was not able to attend the status hearing scheduled for August 24, 2005, due to physical injuries that he inflicted upon himself prior to the hearing, as described by a representative from the United States Marshal's Service who was present in Court on August 24, 2005. Based upon the defendant's behavior, representatives of the pre-trial detention facility which houses the defendant are rightfully concerned about the defendant's questionable mental health and how it may adversely impact his future physical health and safety (due to the defendant's threats to injure himself even further).

6. Based upon the foregoing information and circumstances, the defendant's competence to stand trial in this matter has been called into question once again. There is sufficient reason to believe that the defendant may be presently suffering from a

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<sup>2</sup> For example, see Docket Entry Nos. 108, 115, 116, and 120.

mental disease or defect rendering him mentally incompetent to the extent that he is unable to understand the nature and consequences of the proceedings against him or to assist properly in his defense, within the meaning of 18 U.S.C. §4241(a).

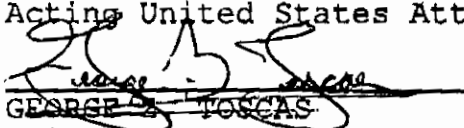
The United States hereby requests that the defendant undergo further psychiatric or psychological evaluation at a Bureau of Prisons (BOP) facility suitable for such testing. As the Court is aware, the BOP is readily equipped to conduct such evaluations and has doctors and other personnel on its staff who can perform all of the required testing. The use of a BOP facility will allow for a full examination of the defendant in an environment that is appropriate for an individual in the defendant's condition.

Accordingly, pursuant to 18 U.S.C. §§ 4241 and 4247, the United States hereby moves this Court for an order committing the defendant to the custody of the Attorney General for placement in a suitable facility for further psychiatric or psychological examination.

Respectfully submitted,

BARRY SABIN  
Acting United States Attorney

By:

  
~~GEORGE A. TASCAS~~  
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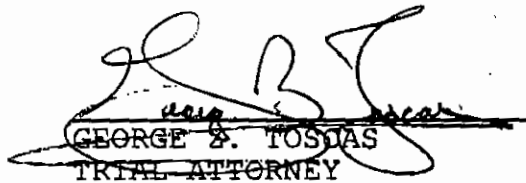
August 25, 2005

CERTIFICATE OF SERVICE

This is to certify that I have this day served upon the persons listed below a copy of the foregoing document by depositing in the United States mail a copy of same in an envelope bearing sufficient postage for delivery:

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August 25, 2005